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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-697

13 **ANGELA FAYE PRESLEY,**  
14 **AKA ANGELA WALLS,**  
15 **AKA ANGELA PRESLEY,**  
16 **AKA ANGELA FAYE WALLS PRESLEY**  
17 **P.O. Box 94**  
18 **Perdido, Alabama 36562**

**A C C U S A T I O N**

19 **Registered Nurse License No. 636610**

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
24 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
25 Consumer Affairs.

26 2. On or about April 27, 2004, the Board of Registered Nursing issued Registered  
27 Nurse License Number 636610 to Angela Faye Presley, also known as Angela Presley, Angela  
28 Walls, and Angela Faye Walls Presley (Respondent). The Registered Nurse License expired on  
October 31, 2005, and has not been renewed.

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

....

## COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Out of State Discipline)**

3 8. Respondent has subjected her Registered Nurse License to disciplinary action  
4 under Code section 2761, subdivision (a)(4), in that her Alabama practical nurse and registered  
5 nurse licenses were disciplined pursuant to the 1975 Code of Alabama (CA) section 34-21-25  
6 and the Alabama Board of Nursing Administrative Code (ABNAC) section 610-X-8-.03, by the  
7 State of Alabama Board of Nursing (Alabama Board) in a disciplinary action, which resulted in  
8 her practical nurse and registered nurse licenses being placed on PROBATION for 12 months  
9 subject to terms and conditions. The circumstances are as follows.

10 9. On December 4, 1987, Respondent was issued Licensed Practical Nurse license  
11 number 2-031660 by the Alabama Board. On September 1, 1990, Respondent was issued  
12 Registered Nurse license number 1-061625 by the Alabama Board. On December 31, 1997,  
13 Respondent's Alabama Licensed Practical Nurse license expired for non-renewal. Respondent  
14 was licensed as a Registered Nurse at all times relevant to the matters considered by the Alabama  
15 Board.

16 10. On March 19, 2010, the Alabama Board considered, accepted, and entered a  
17 Consent Order in a disciplinary action against Respondent's registered nurse license and licensed  
18 practical nurse license in a matter entitled, *In the Matter of: ANGELA FAYE WALLS PRESLEY*  
19 *License No. 1-061625; 2-031660 (LAPSED) Respondent*, finding Respondent to have engaged in  
20 fraud and deceit in procuring or attempting to procure a license by misrepresenting or falsifying  
21 facts in applying for renewal of license in violation of the 1975 CA section 34-21-25, subdivision  
22 (b)(1)(a) and ABNAC section 610-X-8, subdivision .03(1)(b) and in personal use of an  
23 unauthorized or illegal drug or substance in violation of the 1975 CA section 34-21-25 and  
24 ABNAC section 610-X-8, subdivision (.03)(6)(v). Hence, the Alabama Board placed  
25 Respondent's registered nurse license and licensed practical nurse license on 12 months  
26 probation subject to the following terms and conditions:

- 27 a. Immediate return of Respondent's wallet ID cards;  
28 b. Payment of a fine in the amount of \$600.00;

1 c. Satisfactory completion of Board-approved courses on legal and ethical  
2 aspects of nursing and programs on chemical dependency;

3 d. During the period of the Order, Respondent will only have one primary  
4 physician, who when necessary must prescribe all mood-altering medications or refer  
5 Respondent to another physician, who should inform Respondent's primary physician when  
6 prescribing medication containing a mood-altering substance. Respondent must notify the  
7 Alabama Board of her primary physician's name and contact details.

8 e. During the period of the Order, Respondent will only have one dentist,  
9 who when necessary must prescribe all mood-altering medications or refer Respondent to  
10 another dentist, who should inform Respondent's primary dentist when prescribing medication  
11 containing a mood-altering substance. Respondent must notify the Alabama Board of her  
12 primary dentist's name and contact details.

13 f. Respondent shall completely abstain from the use of any substance  
14 containing alcohol.

15 g. Respondent shall completely abstain from possession and the use of non-  
16 prescribed controlled substances as defined in the Alabama Uniform Controlled Substances Act,  
17 illegal drugs as defined by law, mood-altering substances, or any drugs requiring a prescription  
18 except as provided in the Order.

19 h. Respondent shall participate as directed in a Board-acceptable program for  
20 random drug testing.

21 i. Respondent shall practice only under the on-site monitoring of a Board-  
22 approved licensed health professional in good standing with their professional regulatory body.

23 j. Respondent shall not work for a nursing registry, traveling nurse agency,  
24 nursing float pool, hospice, home health agency, or temporary employment agency.

25 k. Respondent shall not be employed as a supervising nurse.

26 l. Respondent shall provide all health care employers, collaborative and  
27 covering physicians and schools of nursing with a copy of the Order and cause each to  
28 acknowledge to the Alabama Board that a copy of the Order has been provided to them.

- 1                   m.     Respondent shall not accept or change employment without prior written  
2 notification to the Alabama Board.
- 3                   n.     Respondent shall cause her employer to provide to the Alabama Board, on  
4 a Board-approved form, a written evaluation of respondent's nursing performance.
- 5                   o.     Respondent shall submit to the Alabama Board a written status report on a  
6 Board-approved form.
- 7                   p.     Employment not as a practicing nurse shall be excluded from  
8 Respondent's period of probation served.
- 9                   q.     Respondent shall maintain a current license at all times during probation.
- 10                  r.     Respondent shall cause the Alabama Board to be notified immediately,  
11 when arrested by any law enforcement agency or admitted as a patient to any institution for  
12 treatment regarding chemical abuse or dependence, emotional disorder, or psychological  
13 disorder.
- 14                  s.     Respondent shall immediately notify the Alabama Board of any changes  
15 of address.
- 16                  t.     Respondent shall notify the Alabama Board of pending relocation outside  
17 the State of Alabama.
- 18                  u.     Respondent shall appear in person for an interview at the request of the  
19 Board.
- 20                  v.     Respondent shall refrain from violation of any federal, state, or local law  
21 or rule or order of the Board.
- 22                  w.     Respondent authorized the Board to submit information and all records  
23 necessary to ensure compliance with the stipulations of the Order and public safety.
- 24                  x.     Respondent's deviation from the requirements of the Order without the  
25 Alabama Board's consent constitutes a violation.
- 26                  y.     A supplemental cause for disciplinary action arising during the period of  
27 probation is cause for Respondent's disciplinary action.

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1                   z.       Submitting fraudulent documents, false reports, and misrepresented facts  
2 relating to the Order's terms and conditions during Respondent's probation constitute a violation  
3 of the Order.

4           11.       The facts that led to the discipline are as follows. On December 1, 2000,  
5 Respondent submitted to the Alabama Board an application for renewal of her license. On the  
6 application Respondent answered "no" to the question "Since your last renewal, have you pled  
7 guilty, entered *nolo contendere*, been convicted of, or received deferred prosecution or had  
8 judgment withheld for a misdemeanor or felony in any state, territory, or country?" Moreover,  
9 Respondent did not disclose the following:

10                   a.       On February 22, 1999, Respondent pleaded guilty to Negotiating  
11 Worthless Negotiable Instruments in Escambia, Alabama in case number DC-1999-000094.00.  
12 As a result of her conviction, Respondent was ordered to pay a fine and restitution, and to  
13 perform community service.

14                   b.       On August 31, 2009, Respondent tested positive for cannabinoids on a  
15 pre-employment drug screen requested by Renown Health in Reno, Nevada, while employed  
16 with Travel Nurse Solutions.

17           On February 9, 2010, Respondent executed an agreement to the Order, which is of public  
18 information, will be reported to all required data banks, and can be disseminated.

19                                   **SECOND CAUSE FOR DISCIPLINE**

20   **(Out of State Discipline)**

21           12.       Respondent has subjected her Registered Nurse License to disciplinary action  
22 under Code section 2761, subdivision (a)(4), in that pursuant to Nevada Revised Statutes (NRS)  
23 chapter 632, section 320 and Nevada Administrative Code (NAC) chapter 632, sections 325, and  
24 923-927, her license to practice nursing in Nevada was disciplined by the State of Nevada Board  
25 of Nursing (Nevada Board) in a disciplinary action, which resulted in her license being revoked  
26 and not eligible for renewal for a period of one year. The circumstances are as follows:

27           13.       The Nevada Board licensed Respondent to engage in the practice of nursing in the  
28 State of Nevada under Licensed Professional Nurse license number RN60653, with the

1 continued right to licensure subject to compliance with the laws of the Nevada Board, the  
2 provisions of NRS chapter 632, and NAC chapter 632.

3 14. On May 4, 2010, pursuant to NRS chapter 632, section 320 and NAC chapter 632,  
4 section 926, subdivision (1)(h), the Nevada Board ruled and served an Order in a matter entitled,  
5 *In the Matter of Angela Presley License Professional Nurse Nevada License No. RN60653*  
6 *Respondent, Findings of Fact, Conclusions of Law, and Order. Case No. 0941-09C*, revoking  
7 Respondent's professional nurse license to practice nursing in the State of Nevada with no  
8 eligibility for renewal for a period of one year. The Nevada Board found Respondent guilty of  
9 violating NRS chapter 632, section 320, subdivision (7), because she violated NAC chapter 632,  
10 section 890, subdivision (11) when she had in the body of the nurse, alcohol, or a controlled  
11 substance or dangerous drug that is not legally prescribed during a test of the blood, saliva,  
12 breath, hair or urine of the nurse given as a condition of employment.

13 15. The facts that led to the discipline are as follows. On September 5, 2009,  
14 Respondent submitted an application to be employed as a Licensed Professional Nurse with  
15 Renown Health in Reno, Nevada. As a condition of employment, Respondent submitted to a pre-  
16 employment drug test. Respondent's pre-employment drug test was positive for cannabinoids  
17 (marijuana). On February 6, 2010, pursuant to NRS Chapters 632 and 233, section B and NAC  
18 chapter 632 the Nevada Board served a copy of a Complaint and Notice of Hearing in a matter  
19 entitled, *In the Matter of Angela Presley License Professional Nurse Nevada License No.*  
20 *RN60653 Respondent, Complaint and Notice of Hearing Case No. 0941-09C*, scheduled for  
21 March 18, 2010, to consider the allegations and to determine if Respondent should be subjected  
22 to an administrative penalty. Respondent failed to appear and pursuant to NAC chapter 632,  
23 section 923 the Nevada Board proceeded without Respondent's participation and considered the  
24 charges to be true, thereafter revoking Respondent's Nevada registered nurse license number  
25 RN60653.

#### 26 PRAYER


27 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
28 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1           1.     Revoking or suspending Registered Nurse License Number 636610, issued to  
2     Angela Faye Presley, also known as Angela Presley, Angela Walls, and Angela Faye Walls  
3     Presley;

4           2.     Ordering Angela Faye Presley to pay the Board of Registered Nursing the  
5     reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
6     Professions Code section 125.3;

7           3.     Taking such other and further action as deemed necessary and proper.  
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9

10  
11     DATED: MARCH 2, 2013

  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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